REMARKS

The present application has been amended in response to the Examiner's Office Action to place the application in condition for allowance. Applicant, by the amendments presented above, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance.

In the Office Action, the Examiner objected to claims 1 and 10-13 because of typographical errors. Applicant has corrected same. In addition, the Examiner rejected claims 1-21 under 35 U.S.C. §112 as being indefinite. Applicant has amended the claims in accordance with the Examiner's suggestion.

In the Office Action, the Examiner rejected claims 1-2 and 5-21 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,864,394 (Jordan, III et al.), rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Jordan in view of United States Patent No. 6,885,950 (Misutake et al.), and rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Jordan in view of United States Patent No. 7,065,239 (Maaya et al.).

Claim 1 is the only independent claim which is pending, and claim 1 has been amended to further distinguish the claimed invention from that which is disclosed in the cited references. Specifically, claim 1 has been amended to specifically claim, among other things, the steps of defining an appropriate product/device input dataset for a plurality of different die sizes and products, and repeating certain steps of the method for each of the die sizes and products which have been defined.

This is neither disclosed nor suggested by the cited prior art, including Jordan III et al. Unlike what is disclosed in Jordan III et al., the present invention provides a method to utilize data from many different die sizes and products so that highly detailed wafer profiles can be generated. Instead of being limited to a single die size, the method of the present invention takes advantage of multiple die sizes and their variation in placement on the wafer to increase the information available about the wafer patterns.

In contrast to what is being claimed, i.e., defining an appropriate product/device input dataset for a plurality of different die sizes and products, and repeating certain steps of the method for each of the die sizes and products which have been defined, Jordan III et al. (the primary reference cited by the Examiner) merely discloses scanning a surface to gather data, but the reference does not disclose or suggest defining an appropriate product/device input dataset for a plurality of different die sizes and products.

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

Dated: May 29, 2007

By: _____

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